

REMARKS

Claims 9-26 were previously pending in the application. Claim 27 is added. Accordingly, claims 9-27 are presented for consideration.

Claims 9-26 are rejected as being anticipated by HEESE 3,823,758.

Reconsideration and withdrawal of the rejection are respectfully requested because the reference does not disclose or suggest that a non-hydraulic means for transmitting mechanical power constitutes a means for locking the position of the piston, as recited in claim 9 of the present application.

As discussed with the Examiner, the means for transmitting mechanical power and the means for transmitting hydraulic power are separate means such that the means for transmitting mechanical power excludes the use of the hydraulic fluid in the means for hydraulic power.

As noted in the discussion with the Examiner and as previously set forth in the amendment of September 26, 2003, column 8, lines 34-44 of HEESE disclose that "Deenergization of solenoid 92a closes valve 92 and prevents flow of hydraulic fluid from the chamber 83 to the accumulator 84. It should be noted that the check valve 93 also prevents flow from the chamber 83 to the accumulator 84. Thus, when the piston 74 is in its fully

extended position, hydraulic fluid is prevented from flowing from the cylinder 73. Due to the substantial and compressible nature of the hydraulic fluid, the hatch cover is locked in its open position and cannot fall shut even if electrical power failure should occur."

Accordingly, locking of the piston in HEESE is obtained by locking the hydraulic circuit. The recited non-hydraulic means for transmitting mechanical power specifically excludes the uses of a hydraulic circuit to lock the piston. HEESE requires a complex hydraulic circuit to lock the piston and does not disclose or suggest that the non-hydraulic means for transmitting mechanical power constitute means for locking the position of the piston, as recited in claim 9 of the present application. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 10-22 depend from claim 9 and further define the invention and are also believed patentable over the cited prior art.

Claim 23 provides a screw and nut system that transmits mechanical power to the piston and controls the position of the piston and locks the position of the piston. Claim 23 further provides an hydraulic power transmission device that transmits hydraulic power to the piston and operates in parallel to and separately from the screw and nut system. The comments above

regarding claim 9 are equally applicable to claim 23. Specifically, one of ordinary skill in the art would not use hydraulic fluid to operate a screw and nut system.

Claims 24-26 depend from claim 23 and further define the invention and are also believed patentable over the cited prior art.

New claim 27 provides that the means for transmitting mechanical power to the piston is a motor coupled to the piston and that the means for transmitting hydraulic power is separate from the means for transmitting mechanical power and that the means for transmitting mechanical power to the piston controls the position of the piston and locks the position of the piston. The comments above regarding claim 9 are also applicable to claim 27.

Accordingly, it is believed that the claims avoid the rejection under §102 and are allowable over the art of record.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

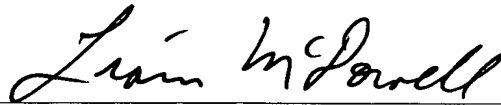
The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

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overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

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